



U.S. OFFICE OF SPECIAL COUNSEL

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February 13, 2006

The Honorable John Conyers
Ranking Member
House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

Re: OSC File No. HA-05-2069

Dear Representative Conyers:

This letter is in response to the complaint you sent to the Office of Special Counsel (OSC) regarding allegations that former Secretary of Agriculture Ann Veneman violated the Hatch Act by engaging in political activity paid for by money derived from the Treasury of the United States. Specifically, you allege that during the fall of 2004, Secretary Veneman traveled to politically-contested farm states to deliver farm policy-related and campaign-related remarks in the same speech. You allege that the Hatch Act prohibits the Administration from billing taxpayers for campaign-related expenses and that it appears the Administration may have combined official and political content to skirt that rule. You have asked that OSC investigate this "potentially illegal conduct," and as explained below, we are requesting additional information so that we may focus the scope of our investigation.

As you know, as Secretary of Agriculture, Ann Veneman was covered by the Hatch Act in the months leading up to the 2004 Presidential Election. The Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of most federal executive branch employees. Most covered employees are prohibited from engaging in political activity while on duty, in a federal building, while wearing an official uniform or insignia, or using a government vehicle. 5 U.S.C. § 7324. However, the Hatch Act does not prohibit certain employees appointed by the President, by and with the advice and consent of the Senate (PAS),¹ such as Secretary Veneman, from doing so, provided the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.² 5 U.S.C. § 7324 (b).

¹ To be exempt from this prohibition, a PAS also must hold a position whose duties and responsibilities continue outside normal duty hours and while away from the normal duty post and that is located within the United States, and the PAS must determine policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of federal laws. 5 U.S.C. § 7324 (b)(2).

² Political activity has been defined as activity directed toward the success or failure of a political party, candidate for a partisan political office or partisan political group. 5 C.F.R. § 734.101.

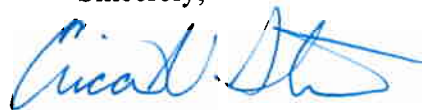
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Costs associated with a political activity are deemed not to be paid for by money derived from the Treasury of the United States if the Treasury is reimbursed for the costs within a reasonable period of time. 5 C.F.R. § 734.503 (a). In addition, costs associated with a political activity do *not* include any costs that the Government would have or have incurred regardless of whether the activity was political. 5 C.F.R. § 734.503 (b). Examples of such costs are: (1) the compensation of the employee; (2) the value of any office or other real property owned or leased by the Government; (3) the compensation and expenses of any Government employee who is required in the performance of his duties to accompany or assist the person engaging in the political activity; and (4) the cost of special security arrangements for the person engaging in the political activity, including special transportation vehicles or methods. 5 C.F.R. § 734.503 (b).

In light of the above, to investigate allegations that Secretary Veneman engaged in political activity paid for by the Treasury of the United States, it would be beneficial if you could provide additional information about the alleged activity. Information that would be helpful in our investigation includes, for example: the nature of the activity (e.g., attending a campaign event); when Ms. Veneman engaged in the activity; where the activity occurred; and any information about non-compliance with the above-cited reimbursement regulations. In addition, it would be helpful if you could provide the names and phone numbers of any witnesses who would support these allegations. If you have additional information to supplement your complaint, please fax that information to me at (202) 653-5151 or mail them to me at the above address. If you have any questions regarding this matter, please contact me at (202) 254-3650.

Sincerely,



Erica N. Stern
Attorney
Hatch Act Unit